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EXAMINER

SMITH, SHEILA B

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,182

Applicant(s)

SNYDER T.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6, 8, 9, 11-21,23,24,26-30,32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark, Jr. et al. (U. S. Patent Number 6,947,527).

Regarding claim 1, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses method and apparatus that provides a reusable voice path in addition to release link functionality for use with a platform having a voice activated front end. In addition Clark, Jr. et al. discloses a method of storing a phone number within a mobile phone, said phone number received service, the method comprising: from an information placing a call to an information service to obtain a requested phone number, detecting the requested phone the information service, and number returned from storing the requested phone number returned from the information service within the mobile phone (which reads on column 9 lines 54-67 and column 10 lines 1-13).

Regarding claim 2, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses requested phone information service number is returned from the to the mobile phone, a number is returned audibly (which

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reads on column 9 lines 54-67 and column 10 lines 1-13).

Regarding claim 3, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses detecting the requested number returned from the information service comprises using to parse the response returned from the information service into a series of numbers that comprise the requested phone number, returned audibly response, voice recognition algorithms (which reads on column 9 lines 54-67 and column 10 lines 1-13).

Regarding claim 4, Clark, Jr. et al. in view of MoIne discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses phone number returned from storing the requested the information service within the mobile phone comprises having the mobile phone prompt the user whether to store the returned phone number (which reads on column 3 lines 1-67 and column 10 lines 1-13).

Regarding claim 5, Clark, Jr. et al. in view of MoIne discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses storing the requested phone number returned from the information service within the mobile phone further comprises having the mobile phone prompt the user where to store the returned phone number (which reads on column 3 lines 1-67 and column 10 lines 1-13).

Regarding claim 6, Clark, Jr. et al. in view of MoIne discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses returned phone number is stored within the mobile phone's phonebook directory (which reads on column 3 lines 1-67 and column 10 lines 1-13).

Regarding claim 8, Clark, Jr. et al. in view of MoIne discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses prompting the user whether to automatically dial the returned phone number (which reads on column 3 lines 1-67).

Regarding claim 9, Clark, Jr. et al. in view of MoIne discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses storing the requested phone number returned from the information service within the mobile phone comprises having the mobile phone automatically store the returned phone number within the mobile phones phonebook directory (which reads on column 3 lines 1-67 and column 10 lines 1-13).

Regarding claim 11, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses a method of storing a phone, said phone service, the method comprising: placing a call to an information quested phone number, phone number within a mobile number received from an information service to obtain a requesting that the requested phone number be sent in an SMS text message to the mobile phone;

and receiving an SMS text message containing the requested phone (which reads on column 10 lines 14-33).

Regarding claim 12, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses opening the SMS text message', and having the mobile phone prompt the mobile phone user whether to automatically dial the phone number contained in the SMS text message (which reads on column 10 lines 14-33).

Regarding claim 13, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses opening the SMS text message, and having the mobile phone prompt the mobile phone user whether to store the phone number contained in the SMS text message (which reads on column 10 lines 14-33).

Regarding claim 14, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses having the user where to store the mobile phone prompt phone number contained in the SMS text message (which reads on column 10 lines 14-33).

Regarding claim 15, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses the phone number the SMS text message can be stored within phone's phonebook directory (which reads on column 10 lines 14-33).

Regarding claim 16, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses a computer program number within a mobile phone, said received from an information service, the computer pro- product for

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storing a phone number re-gram product comprising: computer program code for placing a call to an information service to obtain a requested phone number, computer program code for detecting the requested phone number returned from and the information service, computer program code number returned from the mobile phone (which reads on column 3 lines 1-67 and column 10 lines 1-13).

Regarding claim 17, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses the requested phone number is returned audibly from the information service to the mobile phone (which reads on column 3 lines 1-67).

Regarding claim 18, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses the computer program code for detecting the requested number returned from the information service comprises Computer program code using voice recognition algorithms to parse the audible response returned from the information service into a series of numbers that comprise the requested phone number (which reads on column 3 lines 1-67).

Regarding claim 19, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses the computer program code for storing the requested phone number returned from the information service within the mobile

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phone comprises computer program code for having the mobile phone prompt the user whether to store the returned phone number (which reads on column 3 lines 1-67).

Regarding claim 20, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses the computer program code for storing the requested phone number returned from the information service within the mobile phone further comprises computer program code for having user where to store the mobile phone prompt the returned phone number (which reads on column 3 lines 1-67).

Regarding claim 21, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses wherein the returned phone number is stored within the mobile phone's phonebook directory (which reads on column 3 lines 1-67).

Regarding claim 23, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses computer program code for prompting the user whether to automatically dial the returned phone number (which reads on column 3 lines 1-67).

Regarding claim 24, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses computer program code for storing the requested phone number within the mobile phone code for having comprises computer program the mobile phone automatically store the returned from the information

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service returned phone number within the mobile phone's phonebook directory (which reads on column 3 lines 1-67).

Regarding claim 26, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses a computer program product for storing a phone number within a mobile phone, said phone number received from an information service, the computer program product comprising: computer program code for placing a call to an information service to obtain a requested phone number, computer program code for requesting that the requested phone number be sent in an SMS text message to the mobile phone; and computer program code for receiving an SMS text message containing the requested phone (which reads on column 10 lines 14-33).

Regarding claim 27, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses computer program Code for Opening sage; and Computer program Code for having the SMS text message the mobile phone prompt the mobile phone user whether to automatically dial the phone number contained in the SMS text message (which reads on column 10 lines 14-33).

Regarding claim 28, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses Computer program Code for opening sage; and the SMS text message computer program code for having the mobile phone prompt the mobile phone user whether to store the phone number contained in the SMS text message (which reads on column 10 lines 14-33).

Regarding claim 29, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses computer program code for having the mobile phone prompt the user where to store the phone number contained in the SMS text message (which reads on column 10 lines 14-33).

Regarding claim 30, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses the phone number contained in the SMS text stored within the mobile message is phone's phonebook directory (which reads on column 10 lines 14-33).

Regarding claim 32, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses a method of storing a phone number within a mobile phone, said phone number received from an information service, the method comprising placing a call to an information service to obtain a requested phone number, having the information service automatically connect the mobile phone to the requested phone number, detecting the requested phone number that the information service connected storing the detected information service connected the mobile phone to the mobile phone to and requested phone number (which reads on 3 lines 1-67 and column 10 lines 1-13)

Regarding claim 33, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses detecting the requested phone number that the information service connected the mobile phone to comprises obtaining the information via a network query and response (which reads on column 3 lines 1-67).

Regarding claim 34, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses storing the re- number returned from the information service within the mobile phone comprises having the mobile phone prompt the user whether to store the re- turned phone number (which reads on column 3 lines 1-67).

Regarding claim 35, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses number returned from storing the information (which reads on column 3 lines 1-67).

Regarding claim 36, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses the returned phone the mobile phone's phonebook directory (which reads on column 3 lines 1-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7,10, 22,25,31,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark, Jr. et al. in view of MoIne (U. S. Patent Number 5,943,611).

Regarding claim 7, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses returned phone number is stored on the mobile phone (which reads on column 3 lines 1-67). However Clark, Jr. et al. fails to disclose a SIM card attachable.

In the same field of endeavor, MoIne discloses a cellular radiotelephones including means for generating a search request data signal and receiving a telephone number from a network directory database and related methods. In addition MoIne discloses a SIM card attachable (which reads on column 1 lines 59-65).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Chase Jr. by specifically providing for a SIM card attachable for the purpose of updating a mobile phone.

Regarding claim 10, Clark, Jr. et al. in view of MoIne discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses storing the requested phone number returned from the information service within the mobile phone comprises having the mobile phone automatically store the returned phone number. However Clark, Jr. et al. fails to disclose a SIM card attachable.

In the same field of endeavor, MoIne discloses discloses a cellular radiotelephones including means for generating a search request data signal and receiving a telephone number from a network directory database and related methods. In addition MoIne discloses a SIM card attachable (which reads on column 1 lines 59-65).

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Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Chase Jr. by specifically providing for a SIM card attachable for the purpose of updating a mobile phone.

Regarding claim 22, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses returned phone number is stored on the mobile phone (which reads on column 3 lines 1-67). However Clark, Jr. et al. fails to disclose a SIM card attachable.

In the same field of endeavor, MoIne discloses discloses a cellular radiotelephones including means for generating a search request data signal and receiving a telephone number from a network directory database and related methods. In addition MoIne discloses a SIM card attachable (which reads on column 1 lines 59-65).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Chase Jr. by specifically providing for a SIM card attachable for the purpose of updating a mobile phone.

Regarding claim 25, Clark, Jr. et al. discloses essentially all the claimed invention as set forth in the instant application, further Clark, Jr. et al. discloses storing the requested phone number returned from the information service within the mobile phone comprises having the mobile phone automatically store the returned phone number. However Clark, Jr. et al. fails to disclose a SIM card attachable.

In the same field of endeavor, MoIne discloses discloses a cellular radiotelephones including means for generating a search request data signal and receiving a telephone number

from a network directory database and related methods. In addition MoIne discloses a SIM card attachable (which reads on column 1 lines 59-65).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Chase Jr. by specifically providing for a SIM card attachable for the purpose of updating a mobile phone.

Regarding claims 31, 37, Clark, Jr. et al. discloses essentially all the claimed invention as set fourth in the instant application, further Clark, Jr. et al. discloses returned phone number is stored on the mobile phone (which reads on column 3 lines 1-67). However Clark, Jr. et al. fails to disclose a SIM card attachable.

In the same field of endeavor, MoIne discloses discloses a cellular radiotelephones including means for generating a search request data signal and receiving a telephone number from a network directory database and related methods. In addition MoIne discloses a SIM card attachable (which reads on column 1 lines 59-65).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Chase Jr. by specifically providing for a SIM card attachable for the purpose of updating a mobile phone.

Response to Arguments

3. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith
March 19, 2006



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER